

In the Supreme Court of the State of Alaska

**In the Matter of Wayne Anthony
Ross, Regarding Sanctions Imposed
in Green v. Green,**

Supreme Court No. **S-17547**

Order

Motion to Accept Late-Filed
221 Certificate and Motion to
Reconsider Dismissal for Failure to
Timely File 221 Certificate

Date of Order: **9/1/2020**

Trial Court Case Nos. **3PA-19-01073CI, 3PA-19-01073CI, 3PA-18-00868CI**

Before: Bolger, Chief Justice, Winfree, Maassen, Carney, and
Borghesan, Justices

On consideration of the Motion to Accept Late-Filed 221 Certificate filed by Wayne Anthony Ross on 7/24/2020, and the opposition filed by Phuong Green on 7/28/2020, and the Motion to Accept a Reply filed by Wayne Anthony Ross on 8/18/2020,

IT IS ORDERED: The motions are **DENIED**.

On consideration of the Motion for Reconsideration of the 7/23/2020 order dismissing the appeal for want of prosecution filed by Wayne Anthony Ross on 7/28/2020,

IT IS ORDERED: The motion is **DENIED**. The Opening Notice issued on 3/11/2020 provided that the Appellate Rule 221 Certificate was due on 4/11/2020 and the Appellate Rule 210 transcript was due on 4/20/2020. They were not timely filed. Overdue notices were issued on 4/22/2020 and 4/29/2020 giving Mr. Ross until 5/11/2020 to file the Rule 221 Certificate and until 5/13/2020 to file the transcripts, advising him in both notices that the appeal could be dismissed for want of prosecution

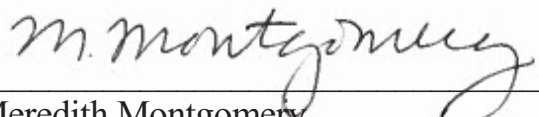
if he failed to comply with the new deadlines. When again nothing was timely filed, the Clerk's Office issued additional notices on 5/19/2020 giving Mr. Ross until 6/2/2020 to file both the 221 Certificate and the transcripts. These notices again advised Mr. Ross that the appeal would be dismissed for want of prosecution if the missing documents and motions to accept them late were not timely filed.

On 6/10/2020, after Mr. Ross again filed nothing in response to the two 5/19/2020 notices, the Clerk issued an order dismissing the appeal for want of prosecution pursuant to Appellate Rule 511.5(a). On 6/22/2020 Mr. Ross moved for reconsideration. His motion was granted on 7/8/2020 at the direction of an individual justice, on condition that Mr. Ross file both the 221 Certificate and the transcripts on or before 7/17/2020. The order contained the express warning (reflecting warnings already made four times in the 4/22, 4/29, and 5/19 notices) that "[a]ny failure to comply will result in dismissal of the appeal." Mr. Ross timely filed the transcript but not the 221 Certificate. Pursuant to the clear terms of the 6/22/2020 order, the Clerk issued a second order dismissing the case on 7/23/2020.

Because the 7/28/2020 motion for reconsideration is denied, this appeal remains dismissed, and the Clerk is directed to close the file.

Entered at the direction of the court.

Clerk of the Appellate Courts


Meredith Montgomery

cc: Judge Woodman
Trial Court Appeals Clerk

Distribution:

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